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OFFICE OF PETITIONS

In re Patent No. 7,455,828 :
Issue Date: November 25, 2008 :
Application No. 10/790,530 : DECISION ON PETITION
Filed: March 1, 2004 :
Attorney Docket No. 227745 :
:

This is a decision on the "REQUEST TO CORRECT THE ASSIGNEE UNDER 37 CFR 3.81(b)", filed June 30, 2009.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);
- (B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

¹ See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).²

Receipt of the \$130 processing fee set forth in 37 CFR 1.17(i) and the \$100 fee for the Certificate of Correction set forth in 37 CFR 1.20(a), is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

² MPEP 307.